

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:24-cv-04744-RGK-AJR Date August 29, 2024

Title *Fiona Harvey v. Netflix, Inc. et al.*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Re: Motion to Strike Declarations of Laura Wray, Richard Gadd, and Louise Michelle Oakley [DE 43]

On August 26, 2024, Fiona Harvey ("Plaintiff") filed a Motion to Strike three declarations filed in support of a Special Motion to Strike filed by Netflix, Inc. and Netflix Worldwide Entertainment, LLC (collectively, "Defendants"). (ECF No. 43.) Plaintiff's Motion was filed too late to be considered prior to or simultaneously with Defendants' Motion, which is set for a hearing on September 16, 2024. Accordingly, the Court construes Plaintiff's Motion as an Ex Parte Application. (ECF No. 46.)

To justify ex parte relief, the movant must demonstrate that she "will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures" and that she "is without fault in creating the crisis that requires ex parte relief, or that the crisis occurred as a result of excusable neglect." *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp.488, 492 (C.D. Cal. 1995).

Plaintiff fails to meet the *Mission Power* standard. Plaintiff has been aware of the material that she now wishes to strike for nearly one month. In fact, Plaintiff could have filed a regularly noticed motion in compliance with the Court's procedures for noticing motions and the District's meet-and-confer requirement any time between August 12, 2024 and August 19, 2024. Plaintiff offers no explanation for her tardiness. Accordingly, the Court **DENIES** the Application.

IT IS SO ORDERED.

Initials of Preparer

JRE/ak